

**TOWN COUNCIL  
REGULAR MEETING  
OCTOBER 4, 2000**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:05 p.m. by Vice-Mayor Weiner and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present were Mayor Venis (arrived at 9:18 p.m.), Vice-Mayor Weiner and Councilmembers Clark, Cox and Paul. Also present were Interim Town Administrator Willi, Town Attorney Kiar, and Acting Town Clerk McDaniel recording the meeting.

Mr. Willi explained that Mayor Venis was absent due to a death in his family and would be delayed.

**3. OPEN PUBLIC MEETING**

Vice-Mayor Weiner advised the speakers of the Open Public Meeting procedures.

Doug Johnson, 1521 SW 120 Terrace, former mayor of Oakland Park, expressed appreciation for all that Council dealt with on a regular basis. He spoke about the importance of preserving the integrity of the Town and suggested that maintaining the existing zoning laws would provide a legacy for future generations.

Bruce Novack, 4261 SW 78 Drive, asked about the recent "garbage deal that was done" without a bid. Vice-Mayor Weiner advised that this issue was part of tonight's agenda.

Joy Yoder, 12610 SW 13 Manor, praised the required D.A.T.E. driving course that she attended with her teenage son. She was impressed with the Broward County DUI and Traffic School course teaching teens about alcohol, drug abuse and their affects. Ms. Yoder suggested that parents attend with their kids.

Ruth Dreyer, 11555 SW 21 Court, advised Council that the drainage issues in her area had become critical. She spoke about the comprehensive study that was recently completed and hoped this would immediately result in some action toward updating the infrastructure. Mrs. Dreyer described recent flooding in her development and warned that the affects would be disastrous during a true storm.

Nan Rich, a candidate for District 97 House of Representatives, discussed her platform priorities and indicated that she would be on the November 7th ballot.

Stuart Crane, Long Lake Estates, spoke about an incident regarding swastikas and admonished the Town for this unacceptable behavior.

4.1 Senator Howard Forman presented the Town with a check from a FRDAP grant for \$78,750 to provide the Pine Island Park with an Interactive Water Spray Playground facility. He advised that Representative Tracy Stafford was unable to attend but had worked hard to help secure these funds. Vice-Mayor Weiner thanked Senator Forman and Representative Stafford for their efforts.

Rose Anderson, 4950 SW 111 Terrace, advised that there was still a serious water problem in the west. She suggested that the Town not allow people to fill up swales and also added that the water that Weston pumps out may affect this area. She also spoke about the "Davie Rodeo Arena," stating that Mr. Bergeron advised that the Town should "do what you want to." Ms. Anderson asked if Council had a problem with the name being displayed on the arena and the gateways. Vice-Mayor Weiner advised that the best plan would be to get this in writing from Mr. Bergeron, then consider the idea at the next

## **TOWN COUNCIL MINUTES OCTOBER 4, 2000**

meeting. Councilmember Paul advised that Mr. Bergeron said he did not want to be involved in the decision but she did not feel the wording was exactly as Ms. Anderson reported.

Karen Davis, 244 Vista Luna Drive, advised of the extreme flooding affects in the Vista Filare area and stated that residents wanted a solution to the problem. She suggesting that the Town provide assistance in requiring the Shenandoah Master Association to clear up the blockage in drain pipes located in their lake as it controlled drainage of the storm water. Ms. Davis suggested that the Town provide transportation to and from the bus stop for kids, sand bags, and barricades to keep traffic down. Councilmember Paul thanked Ms. Davis and commended her for her suggestions.

Marilyn Buchalter, 2625 SW 148 Avenue, spoke about the severe problems she had trying to build a barn at this location. She indicated that she had asked for guidance from the Building Division as she needed to build a barn before the house would be built. Ms. Buchalter advised that she could not build the barn until the house had been built. Councilmember Paul expressed concern about the agricultural ordinance and stated that if she was establishing a farm, she was not required to have a permit to build a non-residential structure. The Planning and Zoning Division was still prohibiting this and Councilmember Paul recommended that she meet with Development Services Director Mark Kutney to work this out and to also work toward refunding the permit fee. Councilmember Clark indicated that it seemed the Buchalters had been misled and felt certain that these problems could be worked out.

Arthur Hurley, 4601 SW 128 Avenue, a candidate for Broward County Property Appraiser, referred to the letter read at the last meeting. He stated that the property appraiser was not showing fair treatment to all developers, advising that land was being assessed at vastly different sums per acre in different developments. Mr. Hurley read parts of a letter in which Property Appraiser William Markham's office responded to these allegations and advised Council that the reasons given for these actions were unfounded. He added that the Town was losing valuable tax dollars as a result of the unfair practices of Mr. Markham's office and asked Council to step in and require him to be made accountable.

Rocky Rodriguez, Property Appraiser's Office, felt the office had responded in the proper way and denied all Mr. Hurley's allegations. He advised that Mr. Markham's intention was not to take away money from the Town but there were laws that he needed to abide by.

Jim Wachtstetter, 4775 SW 72 Avenue, asked for clarification about the right-of-way which would link 61st Avenue to 57th Avenue. He stated that the insurance company of the developer on one side of his property planned to deed the property to the Town for a daytime only park and the gates would be closed at dark with no public access. Mr. Wachtstetter's questioned the legality of this. Councilmember Cox advised that public parks were closed at night, but was not sure that this would be a daylight only park with no need for lights. Councilmember Paul suggested that lights from the parking lot would be close and there might not be room to install lights in this small area.

Vice-Mayor Weiner postponed the Open Public Meeting to allow for presentations.

**TOWN COUNCIL MINUTES  
OCTOBER 4, 2000**

**4. PRESENTATIONS**

**4.1 Florida Recreation Development Assistance Program Grant Award - Senator Howard Forman and Representative Tracy Stafford**

The presentation was made earlier in the evening.

**4.2 Fire Prevention Week**

Clerk Typist Joanne Jakin thanked the community for helping make possible the 4th Annual Mini Poster Contest and 2nd Annual Essay Contest promoting fire prevention awareness. She stated that elementary students had participated in the events and described the theme: "It's Lightning" and "How Can Lighting Harm Us and What Actions Can Be Taken to Keep Safe?" Ms. Jakin also spoke about the presentation planned for contest winners and thanked Acting Deputy Fire Chief Sid Marchant for giving extra money for fire prevention purposes from the budget.

**4.3 Garbage Franchise**

Tony Spadaccia, Waste Management, advised that several issues had been discussed with staff including potential changes in service, pricing and schedules. He summarized a plan for minimum commercial collection services for businesses, stating that twice per week collection was currently required but would not be necessary for all places depending on the nature of the business. Mr. Spadaccia advised that Waste Management proposed a 96 gallon enclosed cart collection service for some and a reduced collection schedule, which would result in a reduced rate to small business owners for whom this would be appropriate. He advised that Waste Management also planned an increased bulk collection for residents, weekly on a second collection date, in exchange for the Town taking over residential billing. Mr. Spadaccia added that a new policy would address temporary suspension of services for part-time residents or those on vacation much of the year. He indicated that other towns did not allow for suspended service and part of the proposal would include a \$25 reinstatement fee upon their return. Vice-Mayor Weiner asked if Waste Management was currently charging people for those not using the service. Mr. Spadaccia indicated that those residents were not charged.

Mr. Spadaccia stated that a 96 gallon cart residential pilot program had been in effect for a number of years and was to have ended a year ago. He asked Council to address this program and decide what residents needed, adding that the capital necessary to purchase these carts would be in excess of \$1 million, or \$1.7 million to accommodate residents with a two-cart capacity. Mr. Spadaccia stated that the specialized equipment to provide the service would require an additional \$1 million. He advised that Cooper City's 11-year contract allowed for best monthly prices for residents. Mr. Spadaccia advised that Waste Management felt that residents preferred the cart program. Vice-Mayor Weiner stated that input from residents had been favorable and asked if the the program would end if no changes were made. Mr. Spadaccia indicated that avenues of capital would need to be pursued.

Councilmember Paul spoke about a recent rate increase and complaints about service and indicated that she approved of the leave policy for vacations, but felt the \$25 reinstatement fee was not necessary. One of her concerns was that larger properties had more cuttings and would require a larger cart, which may be difficult to move back and forth from a barn. She asked if this situation would be accommodated by bulk pick-up.

## **TOWN COUNCIL MINUTES**

### **OCTOBER 4, 2000**

Councilmember Paul felt there may be a trend in complaints from residents and established that there was a record of these. She indicated that asking residents to pay an additional sum to reimburse Waste Management for the cost of the containers was not acceptable. She felt that the cost of the carts and who paid needed to be discussed further. Vice-Mayor Weiner asked about the expected lifetime of a cart and was advised that it was three to five years.

Councilmember Cox indicated that she had been adamant that the garbage contract be put out to bid. She spoke in favor of the carts and added that she personally would pay for one. Councilmember Cox added that it may be possible to establish a plan for residents to pay for the carts over a period of time and approved the idea of the Town taking over the billing.

Councilmember Clark advised that there had been complaints regarding the pick-up of bulk trash and described a specific example where items had been left out for months. Mr. Spadaccia stated that bulk pick up had been offered weekly and suggested that there was a benefit to the Town now because Cooper City had just been bid, which included a cart proposal. He indicated that Waste Management was the low bidder and this contract would be offered to the Town.

Councilmember Cox asked how the business element was dealt with in the bid. Mr. Spadaccia advised that it was a dumpster service and a cubic yardage rate. Councilmember Cox advised that businesses paid a higher rate and had less freedom than in other cities, stating that some cities allowed commercial owners to contract with whomever they want.

Vice-Mayor Weiner stated his concerns about a start up fee, monitoring when residents were absent and return, and how the \$47 cost for a cart could be addressed. He asked Mr. Spadaccia to work with staff on preparing information and bring it back before the Council for deliberation.

Vice-Mayor Weiner reopened the Open Public Meeting.

Cindy Osborne, 4311 SW 64 Avenue, spoke about a call she had from a reporter stating that he understood that she was opposed to EMS. She clarified that her only concern was the method of collecting and she was opposed to the unfair way that the commercial people were being charged.

#### **4.4 Upcoming Special Events - Sharon Pierce-Kent and Bonnie Stafiej**

Sharon Pierce-Kent, Parks and Recreation Director, announced that upcoming events included: registration for soccer (deadline October 27th); Davie United Soccer needed competitive soccer players for their travel teams; Adults and Seniors Halloween Bash (October 20th) and Lippizzan Horse Show (November 2nd).

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: Talapia Fishing Day (October 7th and November 18th); Dog Agility Finals (October 21st - 22nd); 5 Star Rodeo (October 27th - 28th); Concert in the Park (October 22nd); Safe Trick or Treat Day (October 29th); South Florida Trailriders Red Bandanna Ride-a-thon (October 29th); Royal Lippizzan Stallions (November 2nd - 3rd); and Kids Voting (November 7th).

Vice-Mayor Weiner advised that item 10.2 would be taken out of order.

**TOWN COUNCIL MINUTES  
OCTOBER 4, 2000**

10.2 Debbie Orshefsky and Kevin Ratterie, representing GL Homes, were present.

Kevin Ratterie stated that the staff issues and concerns associated with this ordinance had been a focus for GL Homes and one provision that was a concern was a consistency issue. It was stated in the ordinance as "additionally, that portion of the landscape buffer." He stated that the 20 foot landscape buffer did not count as open space in some districts and did not apply to others. Mr. Ratterie added that GL Homes met the standard with or without this, and GL Homes' only concern was for consistency.

Acting Town Clerk McDaniel read the ordinance by title.

Planning and Zoning Manager Jeff Katims stated that Council approved the concept of the R-1E district on August 2nd, which said that some reduction in lot size would be exchanged for an open space provision. The proposed ordinance allowed maximum density of one unit to the acre, a size limitation of 100 acres, only rezoned to R-1E if the property was east of Flamingo Road and had 100 acres, the intent was increased, as well as the master plan and open space requirement. Council could deny a master plan based on distribution and size of open space parcels if these did not meet the intent of the ordinance. Mr. Katims advised that increased open space requirements in landscape buffers counted toward open space and added that he did not disagree that this was different than the AG district which allowed 15% of the water surface area to be counted in open space. In the R-1E district, water counted toward open space, and 20 feet would be required as a buffer. Mr. Katims said that a provision was added that qualified open space, in that 50% of open space must be on the perimeter of the development and that the parcel depth needed to be 150 feet. Also, all lots adjacent to trails need to be 35,000 square foot lots with horses not being restricted and perimeter walls would be not permitted. Mr. Katims advised that if Council approved the ordinance on first reading it would be important to include in the motion that the open space area meeting the 50% criteria provided along the perimeter exclusive of buffers, would need to be at a depth of 150 feet.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Tom Truex, 4740 SW 72 Avenue, felt that approval of this ordinance would be a bad idea as there was a great deal of land that could fall under this ordinance and stated that it was important for Council to draw the line. He advised that the Local Planning Agency recognized what a bad idea this plan was and he summarized in detail the loopholes in the ordinance. Mr. Truex felt that the developer had a great deal of money riding on the approval of this zoning category and it was important to consider the potential results of this ordinance. He added that many of the intent items would not really happen as they were not implemented in the ordinance. Mr. Truex spoke to the idea of big lots being located on the outside of other residences and indicated why this would not have to be the case. Minimum average lot sizes were determined by dry land and did not include lakes and other bodies of water, except canals. Mr. Truex talked about lot sizes i.e., the 35,000 square foot lots, as well as minimum lot requirement and spoke about recreational land, and perimeter buffers, stating that three to four acres would be open to the public as park land, but part or all of that could be water. He specified the berm requirement indicating that it was 3-4 ft. average height. Mr. Truex stated that equestrian provisions were not what they seemed and an owner had to have 35,000 square foot or greater next to a proposed equestrian trail, which could apply to none of the residences and the whole development could potentially be deed restricted from horses.

## **TOWN COUNCIL MINUTES OCTOBER 4, 2000**

Larry Davis, 10951 SW 42 Place, expressed concern that the Local Planning Agency (LPA) reviewed this ordinance in great detail and Council may be rushing through this without completely understanding the possible results, as they had not seen the minutes from the LPA meeting. He indicated that this ordinance was initiated and carried through by the developer and added that the LPA was opposed. Mr. Davis expressed concern about the actual density of the development and its impact on the local schools and roads. He added that the City of Weston had stopped development in order for the impact on schools and the community to catch up.

P.J. Grant, 13730 SW 24 Street, agreed with Mr. Davis and suggested that Council carefully consider the impact of this ordinance on schools before a decision was made.

Dean Alexander, 13820 SW 16 Street, asked how the request was characterized. Mr. Kiar responded that the ordinance created a new zoning district. Mr. Alexander asked if this request could have been handled as a rezoning. Vice-Mayor Weiner advised that the ordinance did not only apply to the GL Homes request. Mr. Kiar agreed that the ordinance would affect the entire Town and was not restricted to one project. Mr. Alexander questioned if the ordinance would set a precedent for other areas. Mayor Venis advised that there were no limits. Mr. Kiar stated that Council had set the criteria to 100 acre minimum and added that limits could be established as long as there was a rational basis. Mr. Alexander asked if there would be a second reading and public comment. Mayor Venis responded in the affirmative. Mr. Kiar stated that the ordinance was set to end at the western most boundary of Flamingo Road.

Ruth Dreyer, 11555 SW 21 Court, indicated that she would be directly affected by this development and her concern was that 400 homes would be built on less than 400 acres. She stated that the area had always been zoned one home per acre or agricultural and she would not want to see that changed.

Julie Aitken, 3801 Flamingo Road, reminded Council that it had pledged to protect and preserve the Town's rural character and equestrian lifestyle, which was mandated in the Charter. She expressed great concern that this ordinance was even being considered and informed Council that 87% had voted for the preservation of the rural lifestyle and natural resources mandated in the Charter and indicated that the developer would be the only one to benefit from this.

Jason Curtis, 3801 Flamingo Road, spoke about the Town's Charter and quoted the sentence indicated by Ms. Aitken and stated that this ordinance would affect the residents. He recommended that Council strongly look at the wording of the Charter and the word "shall" meant it must be the policy.

Hilda Testa, 13940 SW 24 Street, referred to various areas of the Town that had one-acre residences and horses and indicated that the Town, as a whole, was rural. She added that since the Town made the rules, it should be able to require open space and a lot size which could result in less than 400 homes which would be better for the Town. Ms. Testa urged Council to preserve the green space and the lifestyle.

Joy Yoder, 12610 SW 13 Manor, indicated that there was a market for one home per acre and reminded Council that the developer could arrange lot sizes and trails to prohibit horses. She added that the equestrian lifestyle was already being threatened and many people who came to Davie came here for that reason.

## **TOWN COUNCIL MINUTES OCTOBER 4, 2000**

Stuart Crane, 2004 Lake Pointe Place, stated that there was an equestrian trail and he had a horse, which was important to his family. He came to this area because of the lot sizes in this development and advised that this development would beautify the area and the Town should be open to change.

Rick Jostrop, 10312 North Lake Vista Circle, advised that his family moved to this area because of the development in Long Lake Estates and spoke about the amenities of this development. He supported the ordinance as it provided more open space and could only be good for the Town.

Steve Davis, 10150 South Lake Vista Circle, indicated that many of the new communities were walled in, lacked open space and had a deed restriction against horses.

Curt Zimmerman, 13901 Carlton Drive, appreciated the large property provision and Town amenities. He looked at other areas of Broward County before moving to the Town and indicated that the proposal included a great blend of property and community benefits.

Linda Altschuler, 11640 SW 37 Court, spoke about the changes in land requirements throughout the history of the Town as acre requirements had been reduced. Her concern was the impact on schools due to the increased number of residents and advised of the overcrowded conditions currently at the elementary and middle schools.

Barry Chapwick was bothered by those who seemed to be offended by people who may want to live in a development where there were no horses. He cited cities in other areas of the County who chose not to build expensive housing developments and these were not communities that the residents could be proud of. Mr. Chapwick advised that residents of this development would bring commerce to the Town and fine quality housing would help build the Town's future.

Arthur Hurley, 4601 SW 128 Avenue, spoke about the nice homes built by GL Homes which were built under the old ordinance and suggested that a new ordinance was not necessary. Councilmember Cox indicated that these were built under the old E zoning which no longer existed.

Paul Kneski, 2801 SW 116 Avenue, spoke in praise of the Town and said that he considered it to be the nicest in the area. He was very upset that a developer wanted to bring in a development with smaller lots and he reminded Council of its commitment to the residents.

Lois Meyer, 2700 SW 116 Avenue, stated that her property backed up to the proposed property. She spoke of the wildlife in the area and stated that although property must eventually be built up, she felt the one-acre lot size could be preserved. Ms. Meyer drove through the developments already described and indicated that they were very close to each other with not much open space. She spoke about the impact the additional number of homes would have on the area and felt the whole philosophy of the Town was at stake.

Dan Barr, 13323 SW 40 Street, spoke about the long time standards of the Town at one home per acre and indicated that 400 homes on 400 acres did not meet this standard. He recommended that the line be drawn at Nob Hill Road, not Flamingo Road, and added that smaller lots equated to smaller homes and less tax revenue to the Town, which should be considered.

Barbara Barascus, 3420 SW 117 Avenue, did not agree with the ordinance and felt that the standard should remain at a one-acre with a minimum of builder's acres. She presented Council with a signed petition opposed to the ordinance.

**TOWN COUNCIL MINUTES  
OCTOBER 4, 2000**

Beth Morris, 3361 SW 116 Avenue, was opposed to the ordinance and asked Council to vote against it, stating that this would extend the same type of construction to all qualified land east of Flamingo Road. She added that ordinances had been changed to reduce lot size already and urged Council to demand that developers adhere to the standards already set. Ms. Morris stated that change was not always the best option.

Jeff Kaufman, 13221 SW 39 Street, advised that he had moved to Davie in search of a big lot and had 23,000 square foot which was more than adequate. He indicated that the proposal was not for zero lot line homes, this would be a beautiful development, and was in favor of the ordinance.

James Morris, 3361 SW 116 Avenue, stated that the issue at stake was that this zoning would make the option for smaller lot size homes available to other builders which may result in developments that were not as nice as GL Homes and would increase density. He added that Davie was unique and people came here for the land.

Linda Greck, 3121 SW 116 Avenue, supported the new zoning district and spoke to the key points stating that the character of the property skirting Hiatus Road was very diverse. She added that her community had larger lots, and an equestrian lifestyle, which was important to her family. Ms. Greck stated that there were communities on Hiatus Road that were not open to residents because they were gated and she stated that lot size limits were not necessary to preserve the character of a community. She felt that the new district provided for increased access to open spaces and increased open spaces on the perimeter of the developments.

Diane Aucamp, 10880 SW 26 Court, stated that the Davie West Homeowner's Association did support this ordinance. She indicated that there were four parcels east of Flamingo Road that this ordinance would pertain to. Councilmember Cox advised that other areas would also be affected by the proposed ordinance. Ms. Aucamp stated that there was a limited number of areas that fit into a 100-acre category, and felt that the ordinance would enhance the quality of the property already established.

Tom Martinez, 10520 South Lake Vista Circle, spoke about the history of why the Town's bike paths were created. He was in support of the ordinance, stating that residents who did not have horses would have access to the paths for bicycles and parks which would only be an enhancement to the area. Mr. Martinez advised that the Town's progress could not be stopped.

Joyce Steward, 10850 SW 25 Street, stated that if the areas from Flamingo Road east were going to be restricted, the three parcels indicated would not even consider acre zoning. She stated that the Town's planners and developers had done a good job of defining what this community would be like. Ms. Steward advised that these three parcels could end up with three different developers and she added that with this plan, many of the unknowns had been addressed and the neighborhood knew exactly what it was going to get.

Al Senarens, 2460 SW 105 Terrace, advised that this was not a density issue. He stated that the new district allowed for more open space, larger buffers, larger water bodies and recreational areas, which would create more value for the properties.

Michael Menasche, 3690 SW 106 Terrace, agreed that this was not a density issue and asked how the current buffer requirement and the current park requirement would differ from what was proposed since the property was currently zoned Agricultural. She added that the ordinance was for the purpose of making it a requirement to have a better-planned community, and was not created just for this developer. Ms. Menasche advised that this



## **TOWN COUNCIL MINUTES OCTOBER 4, 2000**

would not be deed restricted for horses if people wanted horses, adding that some people did not want horses, but still preferred the land. She did not feel that this would be a disruption to the Town, but would be an enhancement.

Joe Cosner, 4451 SW 77 Avenue, advised that this ordinance was not just for one developer and recommended that the Town stick to the already existing land use plan. He spoke about the drainage problems and felt that the existing canals were built to accommodate a lot less density. Mr. Cosner was skeptical that this developer, and others, would truly deliver on their promises and recommended not changing this zoning.

Dan Aaronson, 11003 SW 37 Manor, supported the change in the zoning district. He advised that each resident deserved the same consideration from Council, not just those who were long time residents. Mr. Aaronson advised that his property abutted this property and asked that Council approve the ordinance as this would add an additional district to choose from when rezoning was eventually proposed for any of these areas. Mr. Aaronson stated that this ordinance would provide for greater landscaping and indicated that this land would be developed. He added that GL Homes built quality developments, but this ordinance would provide a tool to require other developers to keep this standard. Mr. Aaronson advised that the LPA's vote was split with one member wanting this ordinance for the entire Town.

John Shannon, 3521 SW 117 Avenue, resented the input from attorneys and politicians, suggesting that the ordinance seemed as if it had been written by the developer. He recommended that it be understood that these were not acre lots in reality. Mr. Shannon expressed concern with the Town leaving Hiatus Road two lanes with a development this size and indicated that the residents would be watching how Council voted on this issue.

Mayor Venis closed the public hearing.

Mr. Kiar stated that criteria could be established, such as a minimum acreage, as long as it was meaningful and indicated that wildlife protection provisions could be added. He indicated that limiting the area could be done, but a rational basis needed to be shown and, with the possibility that the character of the Town could change to the west, there could be a potential challenge to a limitation at Flamingo Road. Mr. Kiar advised that the size of 100 acres could be increased and he added that it could be beneficial to make this ordinance Townwide.

Mayor Venis asked if there would be a problem increasing the minimum to 300 acres. Mr. Kiar indicated that there was always the potential for a challenge, but the minimum acreage was an important criteria as the purpose of this was open space for all.

Vice-Mayor Weiner expressed concern that if Council went forward with 300 acres, there were only two parcels in the Town that this ordinance could apply to. He recommended increasing the number to 125 or 150 acres which would be appropriate to several parcels in the Town. Mr. Kiar advised that 150 acres seemed more defensible.

Mr. Ratterie addressed Council about the difference between the existing Code and the new Code. The new Code required a 25% minimum of property be dedicated to the public and the present Code required no acreage and 0% be dedicated to the Town. Mr. Ratterie indicated that existing zoning required 0 feet between lots, one tree at the back of a lot, a berm height of 0 feet and a berm width of 20 feet. The new zoning would require three trees, a berm height of four feet average and a berm wide of 50 feet. He referred to the definition of lot area for both Codes and indicated that it was exactly the same. Mr. Ratterie

## TOWN COUNCIL MINUTES OCTOBER 4, 2000

stated that the new ordinance required the developer to not deed restrict against horses. He referred to the 35,000 square foot requirement next to A-1, R-1, and AG zonings and agreed that should be changed. Mr. Ratterie stated that adding a wildlife preservation component would be fine, but this was regulated at a State level which was why it was not included. He indicated that when these standards were applied, the average lot area was 29,800 square feet with a requirement 24.67% open space and added that two of these present zoning districts required 0% open space. Mr. Ratterie indicated that the purpose of this district was to provide maximum upgrade of standards.

Mr. Kiar spoke about the voluntary amendments proposed by the developer and indicated that staff would correct this language regarding the abutting lots.

Councilmember Cox asked about property that had a land use designation at one unit per acre and not developed. Mr. Ratterie indicated his concern would be with land that was land-used at one unit per acre but was used for something other than residential.

Mr. Kiar referred to the wildlife environment which had been proposed as an addition to this ordinance and cited an example in Cooper City. Ms. Orshefsky suggested that when this issue was incorporated into the ordinance, reference be given to State and federal requirements which would provide a standard. Councilmember Paul recommended a list of consultants that could be used to advise on this. Mr. Kiar indicated that a County naturalist or a consultant from an approved list advise at the expense of the developer. Vice-Mayor Weiner stated that he had a concern about the developer paying for the consultant services from a list provided by the Town because of a loyalty issue of the consultant should a problem occur in the future.

Councilmember Paul commented that the issue boiled down to a difference in philosophy and felt that the main issue was what constituted an acre. She stated that when the developments in the Town were creating individual communities which became separated from the rest of the Town, berms were nothing more than a green wall and still had the element of enclosing the development to keep people out. Councilmember Paul's concern was that there was often no active marketing of some areas in a development as equestrian communities with perimeter homes as equestrian homesites, and felt that it was the Town's duty to establish the plan that it wanted to see. She felt that no developer should dictate to the Town what was suppose to be built and advised that creating a new zoning area was a way to circumvent the land use plan and a way to avoid a land use amendment. Councilmember Paul stated that the land use plan of one unit per acre did not allow for 25,000 square foot lots and did not fit in with the spirit of the law. She asked for a legal opinion on this to which Mr. Kiar stated that he would research this and the policy issue.

Councilmember Paul also questioned if another type of format could be used instead of footnotes because of past problems.

Ms. Orshefsky advised that the comprehensive plan category was one unit per gross acre and gross acreage was defined as the whole area which would decrease the lot size when streets, canals, lake retention, public areas, etc. were subtracted.

Councilmember Cox felt that it was disturbing to have an equestrian community versus the recent urbanites. She advised that those who had come to Davie for open space had done so because the equestrian community had worked to preserve this land, not the orange growers or the cattle farmers. Councilmember Cox reminded the equestrian community that they owed a debt to the new urbanites as they provided a tax base that was

## **TOWN COUNCIL MINUTES OCTOBER 4, 2000**

more self-supporting. She added that the development of GL Homes and the E zoning gave the Town the spine trail between Robins Lodge and Tree Tops Park. Councilmember Cox stated that the community had seen more horse trails as a result of E zoning than from anything else, and she added that GL Homes had built the most landscaped trail in the Town. Community amenities from current R-1 and A-1 were nonexistent, and she felt that accepting this zoning category would provide another tool. Councilmember Cox commented that the two lifestyles which seem at odds were not incompatible.

Vice-Mayor Weiner stated that the community was composed of different lifestyles. He applauded Councilmember Cox's comments and added that the E-1 zoning had led to different communities and none were one unit to the acre for each lot. Vice-Mayor Weiner indicated that there were many who did not want one unit per acre or a horse. He agreed that the size requirements needed to be increased to 150 acres and the wildlife regulation added, as well as the 35,000 square foot abutment. Vice-Mayor Weiner asked that Section 12.32-408 be clarified by defining "proposed equestrian trail." Councilmember Clark recommended that 35,000 square foot lots or greater could have a horse. Vice-Mayor Weiner indicated that there were other standards that needed to be cleaned up. He advised that Council could decide to rezone one parcel and not another and that Council was determining the criteria of the ordinance, not the developer.

Mayor Venis indicated that if modifications were made, the ordinance should be tabled and readvertised. Mr. Kiar indicated that would not be necessary for the wildlife issue, but possibly for acreage and he would be able to provide an opinion on other questions by the next meeting.

Vice-Mayor Weiner asked if the proposed ordinance should had set geographic limitations. It was determined that the boundary of Flamingo Road would remain.

Ms. Orshefsky referred to the specific modifications discussed and suggested that Council take action on first reading, subject to modifications at second reading, adding that ordinances were often amended between first and second reading.

Vice-Mayor Weiner made a motion to approve the first reading of the proposed ordinance increasing the size limitation to 150 contiguous acres, leaving in place the geographic limitations in 12.32-404, including the wildlife survey protection and relocation provisions raised by Councilmember Paul to be drafted by staff and Mr. Kiar; in order to be counted for open space, the buffer must be 150 feet deep; changing the development standards 12.32-406(A) compatibility to require that all residential lots within the proposed development abutting an adjacent parcel zoned A-1, R-1 or AG or land used R-1 undeveloped were required to be equal to or greater than 35,000 square feet and the remainder shall maintain a minimum of 35,000 square feet (net dry) lot area and including the revisions to 12.32-408 that all lots 35,000 square feet or greater shall not be deed restricted against horses. The motion died due to the lack of a second.

Councilmember Paul made a motion, seconded by Councilmember Cox, to deny. In a roll call vote, the vote was as follows: Mayor Venis - no; Vice-Mayor Weiner - no; Councilmember Clark - yes; Councilmember Cox - yes; Councilmember Paul - yes; (Motion carried 3-2)

The meeting was recessed at 11:50 p.m. and reconvened at 11:56 p.m.

**TOWN COUNCIL MINUTES  
OCTOBER 4, 2000**

10.1 Acting Town Clerk McDaniel read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - yes; Councilmember Paul - yes. (Motion carried 5-0)

Mayor Venis closed the public hearing portion of the meeting.

Mayor Venis announced that item 10.3 needed to be tabled to November 1, 2000.

Councilmember Paul made a motion, seconded by Councilmember Cox, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis advised that item 10.4 had been withdrawn and would be readvertised.

**5. MAYOR/COUNCILMEMBER'S COMMENTS**

No comments were made.

**6. TOWN ADMINISTRATOR'S COMMENTS**

No comments were made.

**7. TOWN ATTORNEY'S COMMENTS**

Comments were made later in the meeting.

**8. CONSENT AGENDA**

*Minutes*

8.1 July 20, 2000 - Workshop Meeting

8.2 August 2, 2000 - Workshop Meeting

*Proclamations*

8.3 Fire Prevention Week (October 8 - 14, 2000)

8.4 Domestic Violence Awareness Month (October)

*Occupational License (Home)*

8.5 Pets In Distress, Inc., 3161 SW 116 Avenue

*Occupational License (Pumpkins - Waiver of Occupational License Fee)*

8.6 Davie United Methodist Church, 6500 SW 47 Street (October 18 - 31, 2000)

**TOWN COUNCIL MINUTES  
OCTOBER 4, 2000**

*Resolutions*

- 8.7  
R-2000-229     **LEASE AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION FOR A PARK SITE LOCATED ADJACENT TO THE FLORIDA TURNPIKE APPROXIMATELY 1300 FEET NORTH OF STIRLING ROAD AND PROVIDING AN EFFECTIVE DATE. (tabled from September 20, 2000)**
- 8.8  
R-2000-230     **INTERLOCAL AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A PROPOSED INTERLOCAL AGREEMENT WITH THE TOWN OF SOUTHWEST RANCHES FOR DELIVERY OF EMERGENCY MEDICAL AND FIRE PROTECTION SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from September 20, 2000)**
- 8.9  
R-2000-231     **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR ASPHALT RECREATIONAL PATHS. (Parking Lots, Streets, S & S, Inc.)**
- 8.10  
R-2000-232     **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR SUPPLY AND INSTALLATION OF VARIOUS TREES AND SHRUBS FOR LINEAR PARK. (Total Quality Construction Service, Inc. and Siga, Incorporated; \$200,000)**
- 8.11  
R-2000-233     **PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING FUNDS FROM THE LAW ENFORCEMENT TRUST FUND TO PURCHASE SPECIALIZED SPEED ENFORCEMENT EQUIPMENT FOR THE POLICE DEPARTMENT. (Applied Concepts, Inc.; \$48,090)**
- 8.12  
R-2000-234     **EXPENDITURE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE LAW ENFORCEMENT TRUST FUND TO THE DAVIE POLICE ATHLETIC LEAGUE. (not to exceed \$35,000)**
- 8.13  
R-2000-235     **EXPENDITURE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE LAW ENFORCEMENT TRUST FUNDS TO SUPPLEMENT THE DAVIE POLICE EXPLORERS POST #564. (not to exceed \$15,000)**
- 8.14  
R-2000-236     **EXPENDITURE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE LAW ENFORCEMENT TRUST FUND TO SUPPLEMENT THE FISCAL YEAR 2000-2001 POLICE DEPARTMENT TRAINING. (as prescribed by Police Chief)**

**TOWN COUNCIL MINUTES  
OCTOBER 4, 2000**

- 8.15 **BENEFITS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2000-237 **SETTING FORTH CERTAIN BENEFITS FOR POLICE CAPTAIN(S),  
MAJORS(S), ASSISTANT CHIEF(S) AND CHIEF OF POLICE; PROVIDING  
FOR AN EFFECTIVE DATE.**
- 8.16 **LEASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, TO LEASE**  
R-2000-238 **FOUR ADDITIONAL MOTORCYCLES FROM HARLEY-DAVIDSON, INC. OF  
FORT LAUDERDALE. (\$330/month per motorcycle)**
- 8.17 **GRANT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2000-239 **AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND  
APPROPRIATE STAFF TO SUBMIT AN APPLICATION FOR GRANT  
FUNDING UNDER THE DAVIE FIRE RESCUE CHILD PASSENGER SAFETY  
PROGRAM, A PROGRAM ADMINISTERED BY THE FLORIDA  
DEPARTMENT OF TRANSPORTATION AND TO ACCEPT AND EXPEND  
THE GRANT IF AWARDED. (\$26,566)**
- 8.18 **PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2000-240 **AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "ICW  
SOUTH PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 8-2-00, ICW  
South Plat, 4400 Weston Road)**
- 8.19 **PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2000-241 **AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "SARA  
PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 8-3-00, 7050 State  
Road 84)**
- 8.20 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2000-242 **AUTHORIZING THE MAYOR TO EXECUTE A TEMPORARY RIGHT-OF-  
WAY AGREEMENT BETWEEN THE TOWN OF DAVIE AND ADELPHIA  
BUSINESS SOLUTIONS OF FLORIDA, L.L.C.; AND PROVIDING FOR AN  
EFFECTIVE DATE.**
- 8.21 **CLASS SPECIFICATION - A RESOLUTION OF THE TOWN OF DAVIE,**  
R-2000-243 **FLORIDA, CREATING THE CLASS SPECIFICATION FOR FIRE MARSHAL,  
IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN.**
- 8.22 **CLASS SPECIFICATION - A RESOLUTION OF THE TOWN OF DAVIE,**  
R-2000-244 **FLORIDA, CREATING THE CLASS SPECIFICATION FOR THE POSITION OF  
SENIOR FIRE INSPECTOR IN THE NON-REPRESENTED PAY AND  
CLASSIFICATION PLAN.**
- 8.23 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2000-245 **AUTHORIZING THE TOWN COUNCIL TO EXECUTE AN AGREEMENT  
FOR THE APPOINTMENT OF KENNETH S. COHEN AS THE ASSISTANT  
TOWN ADMINISTRATOR; AND PROVIDING AN EFFECTIVE DATE.**

## TOWN COUNCIL MINUTES OCTOBER 4, 2000

### *Site Plan*

- 8.24 SP 3-2-00, Pebble Creek at Davie, 1805 SW 118 Avenue (R-1) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to staff's recommendations

### *Site Plan Modification*

- 8.25 SP 7-1-00, Walgreens/Retail @ The Plaza, 11204 Hiatus Road (B-2) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval based on staff's recommendations with the following changes: number six will be multi-trunk Crepe Myrtle standards, ten foot overall height; number 8 will be to correct the parking calculations to reflect the required one parking space per 200 square feet for Walgreens only, being treated as an out parcel; number 10, the petitioner will make the revisions, switch to compact spaces, and maintain the ten foot overall width of the landscape island adjacent to the west side of the drive-thru lane; and that everything would be in conformance with the site plan , not the landscape plan

Councilmember Clark asked that items 8.21, 8.22 and 8.23 be removed from the Consent Agenda. Councilmember Paul asked that items 8.13, 8.14, 8.17, 8.19, and 8.20 be removed. Councilmember Cox asked that items 8.15 and 8.24 be removed.

Councilmember Paul made a motion, seconded by Councilmember Clark, to approve the Consent Agenda without items 8.13, 8.14, 8.15, 8.17, 8.19, 8.20, 8.21, 8.22, 8.23, and 8.24. In a voice vote, all voted in favor. (Motion carried 5-0)

8.13 Councilmember Paul congratulated the Explorers and thanked Police Chief John George for setting aside money for this budget year to send the Explorers to the State and National competitions.

Councilmember Paul made a motion, seconded by Councilmember Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

8.14 Councilmember Paul was concerned that there was no dollar amount set. Chief George stated that \$80,000 for training had been cut from the budget and he had recommended that training be supplemented by Law Enforcement Trust Funds. Mayor Venis asked that quarterly reports be provided regarding the exact expenditures.

Councilmember Paul made a motion, seconded by Councilmember Cox, to approve based on the quarterly financial report. In a voice vote, all voted in favor. (Motion carried 5-0)

8.15 Councilmember Cox indicated that she did not want this expense coming from the contingency fund. Chief George enumerated the component parts of the cost and advised Council of the residual balance, explaining that it would not have an affect on his budget or the operation of the department.

Vice-Mayor Weiner applauded this plan, but asked if fiscal year 99-00 residual money goes back into the general budget and was assured that it does and that residual money at the end of this year was also expected.

**TOWN COUNCIL MINUTES  
OCTOBER 4, 2000**

Councilmember Clark made a motion, seconded by Councilmember Paul, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

8.17 Councilmember Paul congratulated the Fire Department on the grant and thanked them for coming to the Safety Summit.

Councilmember Paul made a motion, seconded by Councilmember Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

8.19 Bill Laystrom, representing the petitioner, indicated that the petitioner would agree to whatever ordinance that was prepared for clearing of wildlife. He advised that the wetlands and environmental people would still be sent out.

Councilmember Paul made a motion, seconded by Councilmember Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

8.20 Councilmember Paul asked if it was possible to provide a one-year warranty on work completed. Mr. Kiar stated that a letter from Adelphia assured that they provided a warranty for one year.

Councilmember Paul made a motion, seconded by Councilmember Clark, to approve based on the letter from Adelphia. In a voice vote, all voted in favor. (Motion carried 5-0)

8.21 Councilmember Clark stated that a permanent Fire Chief had not been hired and she felt that a department head should be responsible for these class specifications. She added that there were still questions pending regarding the qualifications of an inspector.

Vice-Mayor Weiner stated that the Fire Chief may indeed be the Fire Marshal, but the Town had an Acting Fire Marshal and from the discussion, "he needs to have someone that can serve in that capacity, someone certified as an inspector." He indicated that he understood that Acting Fire Marshal would be maintained until the Fire Chief made a decision. Mr. Willi indicated that the language in the South Florida Building Code read that "if the Town had inspectors, one of those inspectors shall be a Fire Marshal." He indicated that the Town needed an acting Fire Marshal. Acting Deputy Fire Chief Sid Marchant stated that the South Florida Building Code provided that if the Town had one fire inspector and that was all there was, he was the Fire Code Official and Fire Marshal.

After some discussion, it was decided that item 8.23 would be taken out of order to allow staff time to research the South Florida Building Code.

8.23 Councilmember Clark was concerned with the portion of the contract that provided a severance package of 60 days notice and 6 months pay beyond all accrued leave, upon dismissal without cause. Mayor Venis indicated that this provision was not out of line.

Mr. Willi advised that attracting quality people would only happen through a contract with such provisions. He added that there were only three contractual positions with the Town.

Councilmember Cox asked how many applicants Mr. Willi interviewed for this position. Mr. Willi described the qualifying backgrounds of the three applicants that were being considered, including Mr. Cohen's qualifications. He advised that he did not interview any of the three adding that he felt confident in the abilities of Mr. Cohen.



**TOWN COUNCIL MINUTES  
OCTOBER 4, 2000**

Councilmember Cox indicated that she reviewed the applicants and found one that bared looking at. She indicated that she did not agree with having a contract for this position.

Councilmember Paul asked how the salary was determined and what the total came to, including benefits. Mr. Willi stated that he had negotiated the contract with Mr. Cohen, with the salary survey of surrounding municipalities as a guide. He did not know what the total package would be with benefits.

Councilmember Paul spoke in favor of Mr. Cohen, but also had concerns about making this a contract position. She indicated that it was important that this person live in the Town.

Councilmember Clark suggested that it would be best to decide first on the Town Administrator position since this was still an interim position. Mr. Willi indicated that the Town's business must go on and he needed the assistance. Mayor Venis advised that it was not uncommon for an interim position to make appointments. Councilmember Clark stated that she was cautious about voting on another contract right now. Mayor Venis indicated that being shorthanded was a big concern, as the departments must be run efficiently and the demands on Mr. Willi were great.

Vice-Mayor Weiner suggested changing the severance clause to read that for dismissal during the first year without cause, three months severance pay would be awarded, then add an additional month for each year of service to a maximum of six months.

Councilmember Clark asked if there would be a problem when 13 applicants applied and no one were interviewed. Mr. Kiar advised that this would be a non-issue.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to offer the contract with the revision of Section 3(C) that upon dismissal without cause during the first year of this agreement, as it may be amended from time to time, Davie shall give a minimum of 60 days prior written notice to Mr. Cohen. In addition, three month's severance pay shall be awarded above and beyond all accrued leave. Upon review by the Town Administrator, an additional month's severance pay shall be awarded each year thereafter up to six month's severance pay. In a voice vote, four voted in favor with Councilmember Cox dissenting. (Motion carried 4-1)

8.21 Mr. Kiar advised that the South Florida Building Code required that a person appointed by the Fire Chief shall be qualified to serve as Fire Marshal or Fire Code Official. He indicated that the Fire Marshal or Fire Code Official shall be the principal enforcement officer of the Fire Codes.

Mr. Willi indicated that the Acting Deputy Fire Chief was stretched to the limit and the class specification needed to be approved. He said that this would allow an Acting Fire Marshal to be appointed and another Fire Inspector hired to complete the Town's required annual inspections. Vice-Mayor Weiner agreed that a classification needed to be established so someone could be the Acting Fire Marshal until the Fire Chief was hired, but he felt the permanent position should not be filled until a Fire Chief was hired.

Councilmember Cox agreed that the classification should be created and an interim position could be established.

Vice-Mayor Weiner made a motion, seconded by Councilmember Cox, to approve item 8.21. In a voice vote, all voted in favor. (Motion carried 5-0)

## TOWN COUNCIL MINUTES OCTOBER 4, 2000

8.22 Councilmember Clark questioned the creation of a class specification for a Senior Fire Inspector. Mr. Willi advised that this position was for the past Fire Chief who was currently in limbo after being removed from that position. He indicated that if this classification was not approved, he asked for direction from Council on what to do with this employee.

Councilmember Paul stated that she was waiting for clarification from the State on the issues that had been raised. Mr. Willi agreed that the Town was still awaiting a decision from the State on this person's licensure, but this was a separate issue.

Vice-Mayor Weiner stated that he would like language to be added on page 2, under minimum training experience, that the individual must obtain and maintain Broward County Fire Inspector certification and any and all required State of Florida Life Safety Inspector certification.

Vice-Mayor Weiner made a motion, seconded by Councilmember Cox, to approve 8.22 with the amendment that the individual must have and obtain Broward County and State of Florida inspector's certification, as required. In a voice vote, four voted in favor with Councilmember Clark dissenting. (Motion carried 4-1)

8.24 Councilmember Cox stated that her concern was to maintain a clear space on the equestrian trail so there were no injuries resulting from the trees. She asked about the intrusion of a berm. Robert Legg, representing the petitioner, advised that the clear space was seven feet with no intrusion of berm and the trees were 14-16 foot mahoganies and that it was a dedicated right of way.

Councilmember Cox made a motion, seconded by Vice-Mayor Weiner, to approve. In a voice vote, all approved. (Motion carried 5-0)

### **9. PUBLIC COMMENTS**

*Ordinance - First Reading (Public Hearing to be held October 18, 2000)*

**9.1 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, LAND DEVELOPMENT CODE, ARTICLE X BY ADDING "TEMPORARY USE PERMIT PROCEDURE," SECTION 12-316 ENTITLED "PURPOSE", ADDING SECTION 12-317 "PERMITTED TEMPORARY USES IN CONNECTION WITH DEVELOPMENT PROJECTS", ADDING SECTION 12-318 "OTHER TEMPORARY USES REQUIRING A PERMIT", ADDING SECTION 12-319 "PROCEDURES IN SECURING TEMPORARY USE PERMIT"; AMENDING SECTION 12-503 TO PROVIDE A DEFINITION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Acting Town Clerk McDaniel read the ordinance by title. Mayor Venis advised that a public hearing would be held on October 18, 2000.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public comments were closed.

Councilmember Cox made a motion, seconded by Vice-Mayor Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - yes; Councilmember Paul - yes. (Motion carried 5-0)

**TOWN COUNCIL MINUTES  
OCTOBER 4, 2000**

7. **SESSA vs. TOWN OF DAVIE.** Mr. Kiar stated that Charles Powers had offered \$20,000; however, Mr. Wallace advised that \$53,000 was owed on the properties. There were five properties, originally three of which had been resolved and paid. Mr. Kiar stated that on the remaining properties, there was \$28,000 due and the settlement proposal was bumped up to \$23,000. He added that the most that could be won was \$28,000.

Vice-Mayor Weiner made a motion, seconded by Councilmember Cox, to approve at \$23,000. In a voice vote, all approved. (Motion carried 5-0)

**10. PUBLIC HEARINGS**

*Ordinance - Second and Final Reading*

10.1 **EASEMENTS - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**  
2000-33 **AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE  
UTILITY EASEMENTS TO FLORIDA POWER & LIGHT COMPANY;  
PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE  
DATE.**

This item was approved earlier in the meeting.

*Ordinance - First Reading (Second Public Hearing to be held October 18, 2000)*

10.2 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE,**  
**FLORIDA, APPROVING CODE AMENDMENT APPLICATION ZB(TXT)06-01-**  
**00, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE,**  
**ARTICLE III, BY ADDING SECTIONS 12-32.400 THROUGH 12-32.499 TO**  
**CREATE THE R-1E PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR**  
**DISTRICT INTENT, MASTER PLANS, DISTRICT APPLICABILITY**  
**LIMITATIONS, DEVELOPMENT AREA LIMITATIONS, PERMITTED AND**  
**CONDITIONAL USES, PROPERTY DEVELOPMENT REGULATIONS, AND**  
**EQUESTRIAN PROVISIONS; PROVIDING FOR SEVERABILITY; AND,**  
**PROVIDING FOR AN EFFECTIVE DATE. (tabled from September 20, 2000)**

This item was denied earlier in the meeting.

*Items to be withdrawn or tabled*

10.3 **PLANNING AND ZONING BOARD TABLED TO OCTOBER 25,**  
**2000; COUNCIL CAN TABLE TO NOVEMBER 1, 2000**

**VARIANCE - V 8-2-00, Perez & Associates Architects/Planners, Inc./Vamel  
Corporation, 6530, 6550 and 6570 Griffin Road (Griffin Road Corridor)**

This item was tabled earlier in the meeting.

**TOWN COUNCIL MINUTES  
OCTOBER 4, 2000**

**10.4 WITHDRAWN - BEING READVERTISED (see item 9.1)**

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, LAND DEVELOPMENT CODE, ARTICLE X BY ADDING "TEMPORARY USE PERMIT PROCEDURE," SECTION 12-316 ENTITLED "PURPOSE", ADDING SECTION 12-317 "PERMITTED TEMPORARY USES IN CONNECTION WITH DEVELOPMENT PROJECTS", ADDING SECTION 12-318 "OTHER TEMPORARY USES REQUIRING A PERMIT", ADDING SECTION 219 "PROCEDURES IN SECURING TEMPORARY USE PERMIT"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

This item was withdrawn earlier in the meeting.

**11. OLD BUSINESS**

**11.1 142nd Avenue Litigation Expenses**

Councilmember Clark suggested that Council needed to see costs on litigation. She stated that there was a difference of philosophy between groups and read a newspaper article regarding a horse trail in Cooper City, which she indicated demonstrated the same issue. Councilmember Clark stated that it was unfair not to listen to the residents who lived on the land in question and she could not vote to allow the Town to spend money on something she could not support.

Vice-Mayor Weiner asked if the trial would go forward in December or January. Mr. Kiar was confident that the matter would go forward in January, and he would strongly oppose any further continuance of this matter. He advised that Mr. Wallace stated there was \$16,024.50 in legal fees to date.

Vice-Mayor Weiner indicated that he would like the judge to decide, after the depositions, if the Town was going to use this area as a right of way, or whether the residents owned the property. He recommended an Executive Session to assess settlement on litigation, but the trial was two months away.

Councilmember Cox agreed with Vice-Mayor Weiner and indicated that she had advised the Open Space Advisory Committee that this would be a long battle. Oak Hill was one of the last equestrian communities, and she would be glad to finally resolve this issue.

Councilmember Clark stated that the Town had the upper hand, not the residents and her research showed that all the previous delays could not be attributed to the residents. She stated that the reason she brought this up was because she thought this was good intentioned, but not fair. Councilmember Clark felt that the Town's attitude was "whether or not you like it, this was coming through" and was unfairly handled.

Councilmember Paul agreed that this needed to be resolved. She stated that Julie Aitken had received an e-mail of a new appellate court case which seemed to totally justify the Town which needed to be looked at.

Vice-Mayor Weiner stated that there would be a judgment and there would be finality. He advised that he wanted Mr. Kiar to stick to the schedule.

**12. NEW BUSINESS**

**12.1 Requirement of Special Permit for the Keeping of Wild Animals**

This item was deferred to October 18, 2000.

**TOWN COUNCIL MINUTES  
OCTOBER 4, 2000**

Vice-Mayor Weiner referred to a meeting that Councilmember Clark organized at the Eastside Community Hall on September 26th and about an e-mail request regarding whether other Councilmembers could be present. Mr. Kiar stated that Vice-Mayor Weiner had indicated that he was present prior to the meeting, greeting attendees and then left, so it did not constitute a violation of the Sunshine Law.

Mr. Willi asked that an Executive Session be scheduled for November 1st to get direction on collective bargaining concerning white and blue collar employees. Council agreed that it would meet one hour before the meeting.

**13. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 1:10 a.m.

APPROVED \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk